



PRELIMINARY DRAFT
No. 3585

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 31-34; IC 31-35-2-6.

Synopsis: Hearings in juvenile matters. Requires a court to complete: (1) a factfinding hearing not more than 30 days after a petition is filed alleging that a child is a child in need of services; (2) a dispositional hearing not more than 45 days after the date the court finds that a child is a child in need of services; and (3) a hearing on a petition to terminate a parent-child relationship not more than 90 days after the petition is filed. Provides that the department of child services may request that judgment on a petition alleging a child is a child in need of services be entered not later than 30 days after the request. Requires the case of each child in need of services under the supervision of the county office of family and children to be reviewed at least once every six months (rather than once every three months).

Effective: July 1, 2006.



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-34-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Unless the allegations of a petition have been admitted, the juvenile court shall ~~hold~~ **complete** a factfinding hearing **not more than thirty (30) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.**

SECTION 2. IC 31-34-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), at the close of all the evidence and before judgment is entered, the court may continue the case for not more than twelve (12) months.

(b) If the child or the child's parent, guardian, ~~or~~ custodian, **or the department** requests that judgment be entered, the judgment shall be entered not later than thirty (30) days after the request is made.

(c) If the child is in a juvenile detention facility, the child shall be released not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, pending the entry of judgment. A child released from a juvenile detention facility pending the entry of judgment may be detained in a shelter care facility.

SECTION 3. IC 31-34-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The juvenile court shall ~~hold~~ **complete** a dispositional hearing **not more than forty-five (45) days after the date the court finds that a child is a child in need of services** to consider the following:

(1) Alternatives for the care, treatment, rehabilitation, or placement of the child.

(2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.

(3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.



1 SECTION 4. IC 31-34-21-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~In accordance~~
3 ~~with federal law~~; The case of each child in need of services under the
4 supervision of the county office of family and children must be
5 reviewed at least once every ~~six (6)~~ **three (3)** months, or more often, if
6 ordered by the court.

7 (b) The first of these periodic case reviews must occur:

8 (1) at least ~~six (6)~~ **three (3)** months after the date of the child's
9 removal from the child's parent, guardian, or custodian; or

10 (2) at least ~~six (6)~~ **three (3)** months after the date of the
11 dispositional decree;
12 whichever comes first.

13 (c) Each periodic case review must be conducted by the juvenile
14 court in a formal court hearing.

15 SECTION 5. IC 31-35-2-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Except when a
17 hearing is required after June 30, 1999, under section 4.5 of this
18 chapter, the person filing the petition may request the court to set the
19 petition for a hearing. Whenever a hearing is requested under this
20 chapter, the court shall ~~commence~~ **complete** a hearing on the petition
21 not more than ninety (90) days after a petition is filed under this
22 chapter.

